

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

March 13, 2000

DIVISION ONE

B127432 McAllister (Not for Publication)
v.
Blue Cross of California

We affirm the order denying class certification. Respondents are awarded their costs.

Ortega, J.

We concur: Spencer, P.J.
Vogel (Miriam A.), J.

B129002 Pasori et al. (Not for Publication)
v.
Santa Monica Rent Control Board
Smith, r.p.i.

The judgment is affirmed. Defendant is awarded costs on appeal.

Ortega, J.

We concur: Spencer, P.J.
Vogel (Miriam A.), J.

March 13, 2000-Continued

DIVISION ONE (Continued)

B129820 Coleman (Not for Publication)
v.
International Church of the Foursquare Gospel et al.

The appeal is dismissed.

Ortega, Acting P.J.

We concur: Vogel (Miriam A.), J.
Masterson, J.

B135167 People (Not for Publication)
v.
Hughes

The judgment is affirmed.

Ortega, J.

We concur: Spencer, P.J.
Masterson, J.

B128989 People v. Price (Not for Publication)

The judgment of commitment is affirmed.

Ortega, J.

We concur: Spencer, P.J.
Vogel (Miriam A.), J.

March 13, 2000-Continued

DIVISION TWO

[illegible]

The judgment is affirmed.

Boren, P.J.

We concur: Nott, J.
Mallano, J. (Assigned)

B131952 People (Not for Publication)
v.
Marco Antonio R.

The judgment is affirmed.

Boren, P.J.

We concur: Cooper, J.
Mallano, J. (Assigned)

B129658 People (Not for Publication)
v.
Hernandez

The judgment is affirmed.

Boren, P.J.

We concur: Nott, J.
Mallano, J. (Assigned)

DIVISION TWO (Continued)

B122459 David Lacey et al. (Not for Publication)
v.
Assessment Appeals Board, County of Los Angeles

The judgment denying the writ of mandate seeking to reverse the Board's 1996 decision regarding the December 13, 1993, claim for a proposition 58 tax reassessment exclusion (application no. 9450445) is reversed. That matter is remanded to the trial court for entry of an order granting the Laceys appropriate relief. The judgment denying the writ of mandate as to their other claim (application no. 9218435) is affirmed. Each party is to bear its own costs on appeal.

Boren, P.J.

We concur: Cooper, J.
 Mallano, J. (Assigned)

B115881 Morgan (Not for Publication)
v.
Tritt

The judgment is affirmed.

Boren, P.J.

We concur: Cooper, J.
 Mallano, J. (Assigned)

B129299 Carballo (Not for Publication)
v.
Griffith et al.

The judgment is affirmed.

Boren, P.J.

We concur: Nott, J.
 Mallano, J. (Assigned)

DIVISION TWO (Continued)

B127981 Wall Street Plaza, LLC (Not for Publication)
v.
Selan

The judgment is reversed. The matter is remanded and the trial court directed to permit a new trial and to allow amendment of the first amended complaint to include a cause of action to reform the August Assignment by which plaintiff alleges it acquired the right to sue defendant for unpaid rent. Plaintiff is entitled to costs on appeal.

Boren, P.J.

We concur: Nott, J.
 Mallano, J. (Assigned)

B134147 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Cheryl E.

The order under review is affirmed.

Boren, P.J.

We concur: Nott, J.
 Mallano, J. (Assigned)

DIVISION THREE

B119523 Trans National Bank (Not for Publication)
v.
Susan Y. Chen
Hans Fong-Fu Hong et al.

The judgment is affirmed. Respondent(s) to recover costs.

Kitching, J.

We concur: Klein, P.J.
 Schneider, J. (Assigned)

DIVISION THREE (Continued)

B119892 People (Not for Publication)
v.
William James Bush

The judgment of convictions is affirmed. Each section 12022.5 enhancement is modified to a section 12022, subdivision (b), enhancement. The section 245, subdivision (a)(2), violation is modified to a section 245, subdivision (a)(1), violation. A parole revocation fine as indicated in the opinion is imposed. As modified, the judgment is affirmed. The matter is remanded to the trial court for possible resentencing. A corrected abstract of judgment shall be transmitted to the Department of Corrections.

Klein, P.J.

We concur: Kitching, J.
Schneider, J. (Assigned)

B114213 Northwood Hills Associates et al. (Not for Publication)
v.
Jerome L. Scritsmier et al.

The judgment is affirmed. Respondent(s) to recover costs.

Kitching, J.

We concur: Klein, P.J.
Croskey, J.

DIVISION FOUR

B129426 People (Not for Publication)

V.

Johnson, et al.

The abstracts of judgment are ordered corrected to reflect that \$200 restitution fines were imposed pursuant to section 1202.4, subdivision (b) rather than section 1203.04. In all other respects, the judgments are affirmed.

Epstein, Acting P.J.

We concur: Hastings, J.
Curry, J.

DIVISION FIVE

B128487 People (Not for Publication)

V.

Mario Moreno Banuelos

Angelina Martinez

The judgment is modified to reflect the imposition of the Penal Code section 1202.45 restitution fine as to Mr. Banuelos as discussed in the body of this opinion. The matter is remanded to allow the trial court to impose and then stay the specific determinate sentences as to counts 2 and 6 for each defendant. Upon issuance of the remittitur, the superior court clerk is directed to issue amended abstracts of judgment which correctly reflect both restitution fines imposed as to Mr. Banuelos, as well as the sentences imposed as to counts 2 and 6 as to each defendant and forward them to the Department of Corrections. The judgment is affirmed in all other respects.

Turner, P.J.

We concur: Grignon, J.
Godoy Perez, J.

DIVISION FIVE (Continued)

B110177 Sternwest Corp.
v.
Joseph Ash

Filed order denying petition for rehearing.

B128429 Sternwest Corp.
v.
Joseph Ash

Filed order denying petition for rehearing.

DIVISION SIX

B134683 People (Not for Publication)
v.
Ramirez

The judgment is affirmed.

Yegan, Acting P.J.

We concur: Coffee, J.
Perren, J.

B130893 Chavez (Not for Publication)
v.
City of Oxnard

The judgment is affirmed. Costs to Respondent.

Coffee, J.

We concur: Yegan, Acting P.J.
Perren, J.

DIVISION SIX (Continued)

B127164 People
 v.
 Palefox

Filed order modifying opinion. Petition for rehearing is denied. (Change in judgment)

B130574 People (Not for Publication)
 v.
 Moss

The judgment is affirmed.

Perren, J.

We concur: Gilbert, P.J.
 Yegan, J.

B132975 Carlyle (Not for Publication)
 v.
 City of Atascadero et al.

The judgment of dismissal as to the City is affirmed. The judgment of dismissal as to Jacobson is reversed. On remand, the trial court shall vacate its order sustaining the demurrer with respect to the fourth cause of action for trespass and the sixth cause of action for private nuisance, and shall order those portions of the first amended complaint reinstated as to Jacobson.

Appellant shall pay the City's costs on appeal; otherwise, the parties shall bear their own costs.

Coffee, J.

We concur: Gilbert, P.J.
 Yegan, J.

DIVISION SIX (Continued)

[illegible]

We reverse the judgment quieting title and remand the matter to the trial court with directions to enforce the terms of the CC & Rs and order the parties to bring the matter before the Association for resolution. The order denying the Foleys' attorney's fees is rendered moot by the reversal of the judgment. The Foleys' request for judicial notice of the Association's Building guidelines is denied. Costs to Appellants.

Coffee, J.

We concur: Gilbert, P.J.
Yegan, J.

B129087 People (Not for Publication)
v.
Basquez

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.
Perren, J.

B130587 People (Not for Publication)
v.
Rosales

The judgment is affirmed.

Perren, J.

We concur: Gilbert, P.J.
Yegan, J.

March 13, 2000-Continued

DIVISION SIX (Continued)

[illegible]

The judgment is affirmed.

Yegan, Acting P.J.

We concur: Coffee, J.
Perren, J.

DIVISION SEVEN

[illegible]

The judgment is affirmed.

Lillie, P.J.

We concur: Woods, J.
Neal, J.

[illegible]

The order under review is affirmed.

Lillie, P.J.

We concur: Johnson, J.
 Neal, J.

DIVISION SEVEN (Continued)

B128357 People (Not for Publication)
v.
Coleman

The judgment is affirmed.

Lillie, P.J.

We concur: Woods, J.
Neal, J.

B132207 People (Not for Publication)
v.
Sistrunk

The order of sentencing is modified to provide for concurrent indeterminate terms of 14 years to life for each of the attempted murder offenses, enhanced by 10- and 5-year terms for the firearm use and prior serious felony conviction. In all other respects, the judgment is affirmed. There is no need to send an amended abstract of judgment to the California Department of Corrections. The notations in the present abstract of judgment are sufficient to inform the California Department of Corrections that, as a matter of law, appellant is to be confined for three concurrent terms of 14 years to life for the attempted murder offenses, plus applicable enhancements.

Lillie, P.J.

We concur: Johnson, J.
 Neal, J.

March 13, 2000-Continued

DIVISION SEVEN (Continued)

[illegible]

The judgment is affirmed.

Lillie, P.J.

We concur: Johnson, J.
 Woods, J.

B119436 People (Not for Publication)
v.
Smith

The judgment is affirmed.

Lillie, P.J.

We concur: Johnson, J.
 Woods, J.

B126505 Romero (Not for Publication)
v.
Harborage Homeowners Assn.

The judgment is affirmed. Respondent(s) to recover costs.

Johnson, J.

We concur: Lillie, P.J.
Woods, J.

DIVISION SEVEN (Continued)

B096306 People (Not for Publication)
v.
Alaimalo

The judgment is affirmed.

Johnson, J.

We concur: Lillie, P.J.
Woods, J.

B137126 Kim B. (Not for Publication)
v.
Superior Court, Los Angeles County
(Dept. of Children & Family Services, r.p.i.)

Because substantial evidence supports the juvenile court's order to conduct a hearing pursuant to section 366.26, the petition is denied on the merits.

Lillie, P.J.

We concur: Johnson, J.
 Woods, J.

B135374 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Laretha D.

The order is affirmed.

Lillie, P.J.

We concur: Woods, J.
Neal, J.

March 13, 2000-Continued

DIVISION SEVEN (Continued)

B130530 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Robert N.

The order is affirmed.

Lillie, P.J.

We concur: Johnson, J.
 Woods, J.

B128011 Ara et al. (Not for Publication)
v.
Masuda et al.

The judgment is affirmed. Respondents are entitled to costs on appeal.

Lillie, P.J.

We concur: Johnson, J.
 Neal, J.

B131748 Yuan (Not for Publication)
v.
Chou et al.

The order is affirmed. Respondent to receive costs on appeal.

Lillie, P.J.

We concur: Johnson, J.
 Woods, J.

DIVISION SEVEN (Continued)

B130926 Homeside Lending, Inc. (Not for Publication)
 v.
 Merit Mortgage Services, Inc.

The summary judgment is affirmed. Respondent is entitled to costs on appeal.

Lillie, P.J.

We concur: Johnson, J.
 Neal, J.

B125957 Sarvak (Not for Publication)
 v.
 Thompson et al.

The judgment is affirmed. Respondent to receive costs on appeal.

Lillie, P.J.

We concur: Woods, J.
 Neal, J.

B114537 Graumann et al. (Not for Publication)
 v.
 C/HCA Development, Inc., et al.

The judgment is affirmed. Respondents are entitled to costs on appeal.

Lillie, P.J.

We concur: Johnson, J.
 Neal, J.

March 13, 2000-Continued

DIVISION SEVEN (Continued)

B129606 Baza (Not for Publication)
v.
California Commerce Club, Inc.

The judgment is affirmed. Respondents shall recover their costs on appeal.

Neal, J.

We concur: Lillie, P.J.
Woods, J.

B125647 Mozark Productions, Inc., et al. (Not for Publication)
v.
MTM Enterprises, Inc., et al.

The judgment is affirmed. Respondents shall recover their costs.

Neal, J.

We concur: Lillie, P.J.
Woods, J.

B123262 People (Not for Publication)
v.
Sanchez et al.

The judgment is affirmed.

Neal, J.

We concur: Lillie, P.J.
 Johnson, J.